



29678-1  
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:  
Kamaljit S. Paul

Group Art Unit: Unassigned

Serial Number: 10/627,065

Examiner: Unassigned

Filed: 07/24/2003

Title: SPINAL PLATE ASSEMBLY

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to Applicant's duty of disclosure set forth in 37 C.F.R. §1.56, the Applicant wishes to bring to the Examiner's attention the references listed on the attached PTO Form 1449.

No representation is made, and no representation is intended, that more relevant material does not exist or that the order of presentation of these materials in any way reflects their relative pertinence. The references cited on the attached PTO Form 1449 are not intended to constitute an admission of any kind. Specifically, this presentation is not an admission that any of the items listed on the attached PTO Form 1449 are properly citable against the above-identified application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231

ON October 16, 2003.

Theresa J. Piper  
(Typed name of person mailing paper or fee)

Theresa J. Piper  
(SIGNATURE)

10/16/03  
(DATE OF SIGNATURE)

In accordance with the provisions of 37 C.F.R. §1.98, the references are listed on the attached PTO Form 1449 and copies are submitted herewith. The attached copies may have been pulled from Applicant's or assignee's file. Accordingly, some of the references may have written indicia thereon. It is requested that the Examiner ignore all such written indicia as such indicia may not be relevant to the instant case or may not be an accurate characterization of the reference.

This Information Disclosure Statement is being filed before issuance of a first Office Action or within three months of the filing date of the referenced patent application. Accordingly, no fee is due. Nevertheless, the Commissioner is hereby authorized to charge payment of any additional fees due under 37 C.F.R. §1.17 or credit any overpayment to Deposit Account No. 23-2130.

It is Applicant's desire to have these references available in the record for both the Examiner and the public to review. Applicant, therefore, requests that the Examiner review the entire disclosure of each reference and make all references of record.

U.S. Patent Documents:

4,503,848	Caspar et al.
5,324,290	Zdeblick et al.
5,344,421	Crook
5,569,251	Baker et al.
5,578,034	Estes
5,616,142	Yuan et al.
5,616,144	Yapp et al.
5,676,666	Oxland et al.
5,681,311	Foley et al.
5,728,127	Asher et al.
5,876,402	Errico et al.
5,904,683	Pohndorf et al.
5,951,558	Fiz
5,954,722	Bono
6,017,345	Richelsoph
6,030,389	Wagner et al.
6,106,557	Robioneck et al.
6,129,730	Bono et al.
6,139,550	Michelson
6,152,927	Farris et al.
6,159,213	Rogozinski
6,193,721	Michelson
6,224,602	Hayes
6,235,034	Bray

6,238,396	Lombardo
6,241,731	Fiz
6,293,949	Justis et al.
6,306,139	Fuentes
6,364,881	Apgar et al.
6,402,756	Ralph et al.
6,454,771	Michelson
6,458,133	Lin
6,503,250	Paul
6,533,786	Needham et al.
6,602,255	Campbell et al.
6,602,256	Hayes
2002/0151899	Bailey et al.
2003/0018335	Michelson
2003/0045880	Michelson
2003/0083658	Hawkes et al.

Foreign Patent Documents:

WO 00/24325	PCT
WO 00/64359	PCT
WO 01/26566	PCT
WO 01/26567	PCT

Other Documents:

"Blackstone™ Anterior Cervical Plate," Blackstone Medical Inc., Product literature, date unknown, 4 sheets.

"CSLP Variable Angle: For Use with the Cervical Spine Locking Plate System," Technique Guide, 2000 SYNTHES® Spine, 14 sheets double-sided.

Zdeblick, M.D., Thomas A. et al. "PREMIER™ ANTERIOR CERVICAL PLATE SYSTEM." Surgical Technique, 2000 Medtronic Sofamor Danek, 15 sheets double-sided.

Health Journal, Tara Parker-Pope, The Wall Street Journal, 01/2001, 1 sheet.

C-TEK Anterior Cervical Plate, 2001 Interpore Cross International, 1 sheet.

C-TEK Anterior Cervical Plate System, Interpore Cross, 10/2000, 1 sheet.

WINDOW Cervical Stabilization System, 2000 Endius, Inc., 10 sheets.

CASPAR Instruments for Anterior Cervical Fusion, AESCULAP, date unknown, 2 sheets double-sided.

NDC Internet data sheets, date unknown, 3 sheets.

Ni-Ti alloy Internet Data Sheets, printed 12/05/2001, 2 sheets double-sided.

SN: 10/627,065

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AESCULAP, Advanced Biomechanical Concept, date unknown, 11 sheets.

ORIA Zenith, Product Specifications, 03/2003, 18 sheets.

ZENITH, the perfect alliance for successful cervical fusions, Internet data sheets  
downloaded 04/2003, 2 sheets.

Patent Application, Serial #10/014,409, filed 12/14/01, Bone Support Assembly,  
7 sheets double-sided.

"The Market for Spinal Implants," Internet data sheets downloaded 05/2001, 4  
sheets.

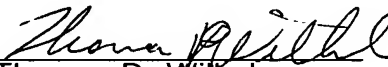
Respectfully submitted,  
Kamaljit S. Paul

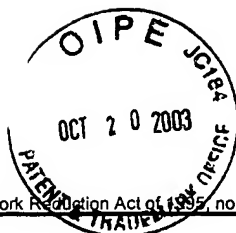


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October 16, 2003  
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By:   
Thomas D. Wilhelm  
Attorney for Applicant  
(Reg. No. 28,794)



PTO/SB/08A (08-03)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet

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U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,503,848	03/12/1985	Caspar et al.	
		US- 5,324,290	06/28/1994	Zdeblick et al.	
		US- 5,344,421	09/06/1994	Crook	
		US- 5,569,251	10/29/1996	Baker et al.	
		US- 5,578,034	11/26/1996	Estes	
		US- 5,616,142	04/01/1997	Yuan et al.	
		US- 5,616,144	04/01/1997	Yapp et al.	
		US- 5,676,666	10/14/1997	Oxland et al.	
		US- 5,681,311	10/28/1997	Foley et al.	
		US- 5,728,127	03/17/1998	Asher et al.	
		US- 5,876,402	03/02/1999	Errico et al.	
		US- 5,904,683	05/18/1999	Pohndorf et al.	
		US- 5,951,558	09/14/1999	Fiz	
		US- 5,954,722	09/21/1999	Bono	
		US- 6,017,345	01/25/2000	Richelsoph	
		US- 6,030,389	02/29/2000	Wagner et al.	
		US- 6,106,557	08/22/2000	Robioneck et al.	
		US- 6,129,730	10/10/2000	Bono et al.	
		US- 6,139,550	10/31/2000	Michelson	

FOREIGN PATENT DOCUMENTS						
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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		WO 00/24325	05/04/2000	Alphatec Manu.		
		WO 00/64359	11/02/2000	Harrington		
		WO 01/26566	04/19/2001	SDGI Holdings		
		WO 01/26567	04/19/2001	Interpore Cross		

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**INFORMATION DISCLOSURE  
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Sheet

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Attorney Docket Number	29678-1

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		US- 6,152,927	11/28/2000	Farris et al.	
		US- 6,159,213	12/12/2000	Rogozinski	
		US- 6,193,721	02/27/2001	Michelson	
		US- 6,224,602	05/01/2001	Hayes	
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		US- 6,241,731	06/05/2001	Fiz	
		US- 6,293,949	09/25/2001	Justis et al.	
		US- 6,306,139	10/23/2001	Fuentes	
		US- 6,364,881	04/02/2002	Apgar et al.	
		US- 6,402,756	06/11/2002	Ralph et al.	
		US- 6,454,771	09/24/2002	Michelson	
		US- 6,458,133	10/01/2002	Lin	
		US- 6,503,250	01/07/2003	Paul	
		US- 6,533,786	03/18/2003	Needham et al.	
		US- 6,602,255	08/05/2003	Campbell et al.	
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## U. S. PATENT DOCUMENTS

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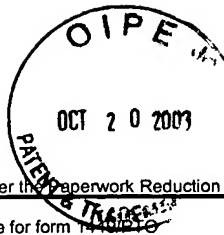
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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Blackstone™ Anterior Cervical Plate," Blackstone Medical Inc., Product literature, date unknown, 4 sheets.	
		"CSLP Variable Angle: For Use with the Cervical Spine Locking Plate System," Technique Guide, 2000 SYNTHES® Spine, 14 sheets double-sided.	
		Zdeblick, M.D., Thomas A. et al. "PREMIER™ ANTERIOR CERVICAL PLATE SYSTEM." Surgical Technique, 2000 Medtronic Sofamor Danek, 15 sheets double-sided.	
		Health Journal, Tara Parker-Pope, The Wall Street Journal, 01/2001, 1 sheet.	
		C-TEK Anterior Cervical Plate, 2001 Interpore Cross International, 1 sheet.	
		C-TEK Anterior Cervical Plate System, Interpore Cross, 10/2000, 1 sheet.	
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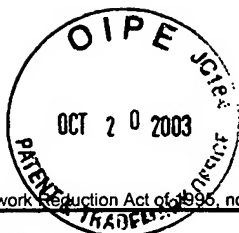
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Sheet 5 of 5

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		AESCULAP, Advanced Biomechanical Concept, date unknown, 11 sheets.	
		ORIA Zenith, Product Specifications, 03/2003, 18 sheets.	
		ZENITH, the perfect alliance for successful cervical fusions, Internet data sheets downloaded 04/2003, 2 sheets.	
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